

1 MARTIN D. BERN (State Bar No. 153203)
2 *Martin.Bern@mto.com*
3 MALCOLM A. HEINICKE (State Bar No. 194174)
4 *Malcolm.Heinicke@mto.com*
5 MUNGER, TOLLES & OLSON LLP
6 560 Mission Street, Twenty-Seventh Floor
7 San Francisco, CA 94105-2907
8 Telephone: (415) 512-4000
9 Facsimile: (415) 512-4077
10
11 Attorneys for Defendant
12 GUARDSMARK, LLC
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHNNY MCFARLAND, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

GUARDSMARK, LLC, and Does 1
through 50, inclusive,

Defendant.

CASE NO. CV 07-03953 PJH

**AMENDED STIPULATION AND
[PROPOSED] ORDER RE:
GUARDSMARK'S MOTION FOR
ATTORNEY'S FEES**

1 WHEREAS, the Court entered judgment in this matter on August 26, 2008, and
2 thus absent an Order of the Court, Guardsmark would need to file a motion seeking some or all of
3 its incurred attorney's fees no later than September 9, 2008;

4 WHEREAS, Defendant Guardsmark, LLC has notified Plaintiff Johnny
5 McFarland of Guardsmark's intent to file a motion seeking some or all of its incurred attorney's
6 fees;

7 WHEREAS, district courts retain jurisdiction to hear post-judgment attorney's fee
8 motions despite a pending appeal of the underlying case. *See, e.g., Masalosalo v. Stonewall Ins.*
9 *Co.*, 718 F.2d 955, 957 (9th Cir. 1983);

10 WHEREAS, counsel for the parties are engaging in the meet and confer process,
11 and counsel for Plaintiff need additional time for internal discussions on the issues raised by
12 Guardsmark, and Guardsmark does not object to such an extension;

13 WHEREAS, Federal Rule of Civil Procedure 54 and Civil Local Rule 54-6 allow
14 the Court, upon stipulation, to extend the 14-day deadline for a party to seek attorney's fees
15 following judgment;

16 WHEREAS, it is understood that Plaintiff has not at this point in any way
17 conceded that Guardsmark is entitled to attorney's fees in this case;

18 WHEREAS, an earlier submission of this stipulation had the incorrect extension
19 date through a typographical error by defense counsel;

20 WHEREAS, the parties through their counsel of record stipulate to the entry of an
21 order as follows:

22 ///

23 ///

24 ///

25

26

27

28

